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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LOWE, MICHAEL S	
ART UNIT	PAPER NUMBER
3652	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,372	MCGILL ET AL.	
	Examiner	Art Unit	
	M. Scott Lowe	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) *6-9,14,19,26-29,38-41,46,49,56-59 and 63* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,10-13,15-18,20-25,30-37,42-45,47,48,50-55,60-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

This application contains claims drawn to an invention nonelected without traverse in the paper filed 2/15/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

The drawings were received on 2/19/07. The drawing corrections are fine but there were only marked-up copies sent. Clean copies of these replacement sheets are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, it is not clear if there is a difference between the translation assembly of this claim and the one in claim 1. For sake of examination it is assumed they are the same.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,10,11, are rejected under 35 U.S.C. 102(b) as being anticipated by Cofer (US 3,951,287).

Re claim 1, Cofer teaches a portable apparatus 10 for moving a workload, comprising:

a base frame 14;

a mast (16,24, 40,41,52,54,etc.) supported by the base frame 14, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast;

a lifting assembly (generally 62) associated with the mast for lifting the workload along at least a portion of the length of the mast; and

a tilting assembly (70,72,etc.) associated with the mast and capable of adjusting an incline of the mast.

Re claim 2, Cofer teaches a translation assembly 22 associated with the base frame 14, the translation assembly adapted to facilitate movement of the portable apparatus.

Re claim 10, Cofer teaches the mast is L- shaped and comprises a foot portion (various,38,62,68,etc.) connected to the base frame 14 and an elongated member (various,62,52,etc.) connected to the foot portion.

Re claim 11, Cofer teaches the elongated member of the mast has a forward surface, a rearward surface oppositely disposed of the forward surface, a first side surface extending generally from the forward surface to the rearward surface, and a second side surface oppositely disposed of the first side surface and extending generally from the forward surface to the rearward surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2,10-13,15-18,30,31,33,34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287).

Re claims 1,2,33, Vermette teaches a portable apparatus 10 for moving a workload, comprising:

a base frame 22;

a non-extensible mast 12 (178,etc.) supported by the base frame 22, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast;

a lifting assembly 58,46 associated with the mast for lifting the workload along at least a portion of the length of the mast; and

a tilting assembly 32,45 (etc.) associated with the mast and capable of adjusting an incline of the mast 12.

a translation assembly 30,32,38 associated with the base frame 22, the translation assembly adapted to facilitate movement of the portable apparatus.

Vermette does not teach a forward tilting assembly associated with the mast and capable of adjusting an incline of the mast 12 relative to the translation assembly. Cofer teaches a forward tilting assembly associated with a mast and capable of adjusting an incline of the mast (40,41,52,54, or 62) relative to the translation assembly in order to improve loading and unloading characteristics (column 1, figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Cofer to have a forward tilting assembly associated with a mast and capable of adjusting an incline of the mast relative to the translation assembly in order to improve loading and unloading characteristics.

Re claim 10, Vermette teaches the mast 12 (178,etc.) is L- shaped and comprises a foot portion (various,178,etc.) connected to the base frame 22 and an elongated member (various,12,14,170,etc.) connected to the foot portion.

Re claim 11, Vermette teaches the elongated member of the mast has a forward surface, a rearward surface oppositely disposed of the forward surface, a first side surface extending generally from the forward surface to the rearward surface, and a second side surface oppositely disposed of the first side surface and extending generally from the forward surface to the rearward surface.

Re claim 12, Vermette teaches the elongated member includes at least one piece of box channel tubing.

Re claim 13, Vermette teaches the elongated member connected to the foot portion via a pin (various unnumbered items, 18).

Re claim 15, Vermette teaches the lifting assembly comprises:

a lifting frame 58,54 for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocatably traversable generally along at least a portion of the length of the mast 12; and

a hoist assembly 46 engaging the lift frame, the hoist assembly adapted to traverse the lifting frame generally along at last a portion of the length of the mast.

Re claim 16, Vermette teaches the hoist assembly 46 engages the lifting frame via a flexible belt (cable) 48, and the hoist assembly retracts or advances the flexible belt 48 to cause the lift assembly to traverse generally along at least a portion of the length of the mast 12.

Re claim 17, Vermette teaches the hoist assembly includes a hand crank winch 46.

Re claim 18, Vermette teaches the hoist assembly 46 is connected to the mast 12 of the portable apparatus.

Re claims 30,31, Vermette does not teach a mechanical jack or mechanical lift. Cofer teaches the tilting assembly includes a screw jack assembly (70,72,etc.), the screw jack assembly comprising a screw 70 threadingly connected to the base frame 14 and associated with the mast such that when the screw 70 is rotated, the incline of the

mast is adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by Cofer to have the claimed screw jack assembly in order to provide more accurate control (Cofer column 6, lines 1-2).

Re claim 34, Vermette teaches at least one handle 45 is connected to the mast generally near the first end the mast.

Claims 3-5,32,35-37,42-45,47,48,60-62, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287), and further in view of Mayle (US 4,854,804).

Re claim 3, Vermette teaches a bight portion (22,20,etc.) engaging the base frame, wherein the mast of the portable apparatus is connected to the bight portion. Vermette is silent on expanding portions of the base frame. Mayle teaches expandable portions (31,32,115,117,etc.) adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Mayle to have expandable portions of the base frame adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base.

Re claim 4, Vermette as already modified in claim 3, teaches at least one telescoping cross member 24 adapted to longitudinally expand inwardly and outwardly, the telescoping cross member connected to the bight portion of the base frame; and

at least two telescoping legs 26 adapted to longitudinally expand inwardly and outwardly, each of the two telescoping legs connected to the at least one cross member.

Re claim 5, Vermette as already modified in claim 3, teaches each of the at least two telescoping legs 26 comprises at least one forward wheel 30 rotatably connected near a forward end of the telescoping leg, and a caster 32 rotatably connected near a rearward end of the telescoping leg 26.

Re claim 32, Vermette is silent on expanding portions of the base frame. Mayle teaches expandable portions (31,32,115,117,etc.) adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Mayle to have expandable portions of the base frame adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base.

Re claim 35, Vermette teaches a portable apparatus 10 for moving a workload, comprising:

a base frame 22;

a mast 12 (178,etc.) supported by the base frame 22, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast;

a lifting assembly with hoist 58,46 associated with the mast for lifting the workload along at least a portion of the length of the mast; and

a tilting assembly 32,45 (etc.) associated with the mast and capable of adjusting an incline of the mast 12;

a translation assembly 30,32,38 associated with the base frame 22, the translation assembly adapted to facilitate movement of the portable apparatus;

the mast 12 (178,etc.) is L- shaped and comprises a foot portion (various,178,etc.) connected to the base frame 22 and an elongated member (various,12,14,170,etc.) connected to the foot portion.

Vermette is silent on expanding portions of the base frame. Mayle teaches expandable portions (31,32,115,117,etc.) adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Mayle to have expandable portions of the base frame adapted to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base.

Vermette does not teach a mechanical jack or mechanical lift. Cofer teaches the tilting assembly includes a screw jack assembly (70,72,etc.), the screw jack assembly comprising a screw 70 threadingly connected to the base frame 14 and associated with the mast such that when the screw 70 is rotated, the incline of the mast is adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by Cofer to have the claimed screw jack assembly in order to provide more accurate control (Cofer column 6, lines 1-2).

Vermette does not teach a forward tilting assembly associated with the mast and capable of adjusting an incline of the mast 12 relative to the translation assembly. Cofer teaches a forward tilting assembly associated with a mast and capable of adjusting an incline of the mast (40,41,52,54, or 62) relative to the translation assembly in order to improve loading and unloading characteristics (column 1, figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Cofer to have a forward tilting assembly associated with a mast and capable of adjusting an incline of the mast relative to the translation assembly in order to improve loading and unloading characteristics.

Re claim 36, Vermette as already modified in claim 3, teaches at least one telescoping cross member 24 adapted to longitudinally expand inwardly and outwardly, the telescoping cross member connected to the bight portion of the base frame; and at least two telescoping legs 26 adapted to longitudinally expand inwardly and outwardly, each of the two telescoping legs connected to the at least one cross member.

Re claim 37,60, Vermette as already modified in claim 35, teaches each of the at least two telescoping legs 26 comprises at least one forward wheel 30 rotatably connected near a forward end of the telescoping leg, and a caster 32 rotatably connected near a rearward end of the telescoping leg 26.

Re claim 42, Vermette teaches the elongated member of the mast has a forward surface, a rearward surface oppositely disposed of the forward surface, a first side surface extending generally from the forward surface to the rearward surface, and a

second side surface oppositely disposed of the first side surface and extending generally from the forward surface to the rearward surface.

Re claim 43, Vermette teaches at least a portion of the lifting frame straddles the first side surface and second side surface of the elongated member of the mast and is in a slidable relation with respect to the forward surface and rearward surface of the elongated member of the mast.

Re claim 44, Vermette teaches the elongated member includes at least one piece of box channel tubing.

Re claim 45, Vermette teaches the elongated member connected to the foot portion via a pin (various unnumbered items, 18).

Re claim 47, Vermette teaches the hoist assembly includes a hand crank winch 46.

Re claim 48, Vermette teaches the hoist assembly 46 is connected to the mast 12 of the portable apparatus.

Re claims 61,62, Vermette teaches at least one handle 45 is connected to the mast generally near the first end the mast.

Claims 20-22,24,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287), and further in view of Lehman (US 5,207,550).

Re claim 20, Vermette teaches the lifting frame 58,54 having a platform 58, brace member 54,70, and guide bearings 74,76 that rotatably engage the mast so as to permit

the lifting frame to traverse generally along at least a portion of the length of the mast. Vermette does not teach upper and lower arm connected by the brace member. Lehman teaches upper and lower arms 72, connected by a brace member 48 (etc.)in order to better grip the workload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Lehman to have upper and lower arms connected by a brace member in order to better grip the workload.

Re claim 21, Vermette is silent on strapping mechanisms but Lehman teaches a strapping mechanism for securing at least a portion of the workload to at least a portion of the lifting frame in order to better secure the workload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Lehman to have a strapping mechanism for securing at least a portion of the workload to at least a portion of the lifting frame in order to better secure the workload.

Re claim 22, Vermette as already modified by Lehman teaches the strapping mechanism comprises:

a flexible band 74 capable of being disposed generally about at least a portion of the workload;

a tightening assembly 78 connected to the brace member of the lifting frame, the tightening assembly adapted to advance and retract the flexible band so as to secure the flexible band about at least a portion of the workload and to secure at least a portion of the workload to at least a portion of the lifting frame; and

wherein the flexible band has a fastening end connected to a free end of the flexible band, the fastening end releasably connectable to at least a portion of the workload, the lifting frame, the flexible band, the tightening assembly, or combinations thereof.

Re claim 24, Vermette as already modified by Lehman teaches the platform comprises:

a first arched portion 72 connected to the upper arm 72 of the lifting frame, the first arched portion adapted to support at least a portion of a first end of the workload;

a second arched portion 72 connected to the lower arm 72 of the lifting frame, the second arched portion adapted to support at least a portion of a second end of the workload; and

at least one supporting lip 62 associated the second arched portion, the at least one supporting lip adapted to further support at least a portion of the second end of the workload.

Re claim 25, Vermette as already modified by Lehman teaches the platform further comprises at least one support rail (48,etc.) connecting the first arched portion and the second arched portion in a generally vertically spaced relation.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287), and further in view of Lehman (US 5,207,550) and Vermette (US 3,587,892).

Re claim 21, Vermette ('209) is silent on strapping mechanisms but Vermette ('892) teaches a strapping mechanism 91,96,99 for securing at least a portion of the

workload to at least a portion of the lifting frame in order to better secure the workload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette ('209) by the general teaching of Vermette ('892) to have a strapping mechanism for securing at least a portion of the workload to at least a portion of the lifting frame in order to better secure the workload.

Re claim 22, Vermette ('209) as already modified by Vermette ('892) teaches the strapping mechanism comprises:

a flexible band 74 capable of being disposed generally about at least a portion of the workload;

a tightening assembly 78 connected to the brace member of the lifting frame, the tightening assembly adapted to advance and retract the flexible band so as to secure the flexible band about at least a portion of the workload and to secure at least a portion of the workload to at least a portion of the lifting frame; and

wherein the flexible band has a fastening end connected to a free end of the flexible band, the fastening end releasably connectable to at least a portion of the workload, the lifting frame, the flexible band, the tightening assembly, or combinations thereof.

Re claim 23, Vermette ('209) as already modified by Vermette ('892) teaches the fastening end releasably connects to the workload, the lifting frame, the flexible band 91, or combinations thereof via at least one hook 99.

Claims 50,54,55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287) and Mayle (US 4,854,804) as applied in claim 35 and further in view of Lehman (US 5,207,550).

Re claim 50, Vermette teaches the lifting frame 58,54 having a platform 58, brace member 54,70, and guide bearings 74,76 that rotatably engage the mast so as to permit the lifting frame to traverse generally along at least a portion of the length of the mast. Vermette does not teach upper and lower arm connected by the brace member. Lehman teaches upper and lower arms 72, connected by a brace member 48 (etc.)in order to better grip the workload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette by the general teaching of Lehman to have upper and lower arms connected by a brace member in order to better grip the workload.

Re claim 54, Vermette as already modified by Lehman teaches the platform comprises:

a first arched portion 72 connected to the upper arm 72 of the lifting frame, the first arched portion adapted to support at least a portion of a first end of the workload;

a second arched portion 72 connected to the lower arm 72 of the lifting frame, the second arched portion adapted to support at least a portion of a second end of the workload; and

at least one supporting lip 62 associated the second arched portion, the at least one supporting lip adapted to further support at least a portion of the second end of the workload.

Re claim 55, Vermette as already modified by Lehman teaches the platform further comprises at least one support rail (48,etc.) connecting the first arched portion and the second arched portion in a generally vertically spaced relation.

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermette (US 4,421,209) in view of Cofer (US 3,951,287)and Mayle (US 4,854,804) as applied in claim 35 and in view of Lehman (US 5,207,550) as applied in claim 50 and further in view of Vermette (US 3,587,892).

Re claim 51, Vermette ('209) is silent on strapping mechanisms but Vermette ('892) teaches a strapping mechanism 91,96,99 for securing at least a portion of the workload to at least a portion of the lifting frame in order to better secure the workload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Vermette ('209) by the general teaching of Vermette ('892) to have a strapping mechanism for securing at least a portion of the workload to at least a portion of the lifting frame in order to better secure the workload.

Re claim 52, Vermette ('209) as already modified by Vermette ('892) teaches the strapping mechanism comprises:

a flexible band 74 capable of being disposed generally about at least a portion of the workload;

a tightening assembly 78 connected to the brace member of the lifting frame, the tightening assembly adapted to advance and retract the flexible band so as to secure

the flexible band about at least a portion of the workload and to secure at least a portion of the workload to at least a portion of the lifting frame; and

wherein the flexible band has a fastening end connected to a free end of the flexible band, the fastening end releasably connectable to at least a portion of the workload, the lifting frame, the flexible band, the tightening assembly, or combinations thereof.

Re claim 53, Vermette ('209) as already modified by Vermette ('892) teaches the fastening end releasably connects to the workload, the lifting frame, the flexible band 91, or combinations thereof via at least one hook 99.

Claims 15-18,30,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofer (US 3,951,287) in view of Vermette (US 4,421,209).

Re claim 15, Cofer teaches the lifting assembly comprises:

a lifting frame 76,78 for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocatably traversable generally along at least a portion of the length of the mast. Cofer does not teach a hoist assembly adapted to traverse the lifting frame generally along at last a portion of the length of the mast. However, Vermette teaches a hoist assembly 46 engaging the lift frame, the hoist assembly adapted to traverse the lifting frame generally along at last a portion of the length of the mast. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Cofer by Vermette to have a hoist assembly engaging the lift frame, the hoist assembly adapted to traverse the lifting frame generally along at last a

portion of the length of the mast in order to have an equivalent lifting assembly that is manually powered.

Re claim 16, Cofer as already modified by Vermette teaches the hoist assembly engages the lifting frame via a flexible belt (cable) 48, and the hoist assembly retracts or advances the flexible belt 48 to cause the lift assembly to traverse generally along at least a portion of the length of the mast 12.

Re claim 17, Cofer as already modified by Vermette teaches the hoist assembly includes a hand crank winch 46.

Re claim 18, Cofer as already modified by Vermette teaches the hoist assembly is connected to the mast 12 of the portable apparatus.

Re claim 30, Cofer teaches the tilting assembly includes a mechanical lift / mechanical jack 70,72.

Re claim 31, Cofer teaches the tilting assembly includes a screw jack assembly (70,72,etc.), the screw jack assembly comprising a screw 70 threadingly connected to the base frame 14 and associated with the mast such that when the screw 70 is rotated, the incline of the mast is adjusted.

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofer (US 3,951,287) in view of Mayle (US 4,854,804).

Re claim 32, Cofer teaches tilting and wheels 22 but not telescoping. Mayle teaches at least one telescoping housing (31,32,115,117,etc.) adapted to longitudinally expand inwardly and outwardly, the telescoping housing connected to the base frame

and at least two wheels rotatably connected to the telescoping housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Cofer my Mayle to have at least one telescoping housing adapted to longitudinally expand inwardly and outwardly, the telescoping housing connected to the base frame and at least two wheels 22 rotatably connected to the telescoping housing to allow for expansion of the base frame in order to allow lifting of different size loads and present a more stable base.

Re claim 33, Cofer teaches the translation assembly comprises at least one handle connected to the mast.

Re claim 34, Cofer teaches the at least one handle (various can be handles, 40,52,etc.) is connected to the mast generally near the first end the mast.

Conclusion

Applicant's arguments with respect to the claims previously rejected with the Vermette as the primary reference have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Cofer does not have a non-extendable mast. However, the term "mast" is broad and is met by many of the elements of Cofer (16,24, 40,41,52,54,etc.) as detailed in the above rejections.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-W; Th work offsite.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl

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